IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

Bail Appl..No. 4198 of 2007()

CRIME NO.312 OF 2007 OF PONNANI POLICE STATION

: PETITIONERS/ACCUSED NOS. 1 TO 6

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1. ALI, S/O ABU, ANDIPATTIL HOUSE,
   PONNANI NAGARAM, PONNANI, MALAPPURAM DISTRICT.

2. IYAS, S/O KHADER,
   KATHIRANTAKATHU HOUSE, PURANGU,
   PONNANI, MALAPPURAM DISTRICT.

3. SALAM, S/O KHADER,
   ESUPUKANTAKATHU HOUSE, ATHALOOR,
   MALAPPURAM DISTRICT.

4. ABDUL GAFOOR @ GAFOOR,
   S/O SULAIMAN, KUNNATHAKATH HOUSE,
   PONNANI NAGARAM, PONNANI,
   MALAPPURAM DISTRICT.

5. ISMAIL, S/O IBRAHIMKUTTY,
   KUNNIKALAKATH HOUSE, PONNANI NAGARAM,
   PONNANI, MALAPPURAM DISTRICT.

6. MUHAMMED SAKEER, S/O USMAN,
   MOLLAKANAKATH HOUSE, PONNANI NAGARAM,
   PONNANI, MALAPPURAM DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENTS: STATE

THE STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE,
PONNANI POLICE STATION, THROUGH THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.4198 of 2007

Dated this the 11th day of July, 2007

ORDER

Application for regular bail. The petitioners are six (A1 to A6) of the seven accused persons, who face allegations in a crime registered initially, inter alia, under Sections 332 and 427 I.P.C. In the course of investigation, the allegation under Section 395 I.P.C has also been included in the crime. Investigation is in progress. The petitioners have been arrested and they remain in custody from 24.06.07.

2. The crux of the allegations against the petitioners is that the victim, an officer of the local municipality who was in charge of the activities at the sand kadavu was attacked when he was returning from his place of work along with the cash collected by him. In the F.I statement lodged by a colleague of the victim, the names of the petitioners are not shown. Later in the course of investigation, when the victim was questioned, the names of the petitioners were allegedly ascertained and they were arrayed as accused. Initially there was no allegation under Section 395 I.P.C. In the course of investigation, such allegation has also been included. Recovery of the money has been allegedly effected when one of the accused persons allegedly produced the amount before the Investigating Officer.

3. The learned counsel for the petitioners submits that the allegations are totally false. There is inter union rivalry between

workmen owing allegiance to two political groups. The petitioners belong to the political group which is not in power. False allegations, in these circumstances, have been raised against the petitioners.

4. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that the inter union rivalry has nothing to do with the incident in this case and it was only a case of attacking the victim with the intention of causing injury to him and snatching away the money from him.

5. Admittedly the petitioners have no criminal antecedents at all. They are not involved in any prior incidence of theft or robbery. It is not disputed in the course of arguments that the petitioners are also sand workers of the locality.

6. I shall scrupulously avoid any detailed discussion on merits about the acceptability of the allegations or the credibility of the data collected. Suffice it to say that on a total consideration of all the relevant circumstances, I am satisfied that it is not necessary to insist that the petitioners must continue to remain in custody any longer. Subject to appropriate conditions, they can now be released on bail, I am satisfied.

7. In the result, this application is allowed. The petitioners shall be released on bail on the following terms and conditions.

i) The petitioners shall execute bonds for Rs.50,000/-

(Rupees Fifty thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m and 12 noon on all Mondays and Fridays for a period of three months from the date of their release and thereafter as and when directed by the Investigating Officer in writing to do so.

Hand over a copy of this order to the learned counsel for the petitioners.

(R.BASANT, JUDGE)

rtr/-